CN: 201703018170
SN: 160
PC: 26

FILED
MAR 06 2018
Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE

In re the Marriage of: **SIRINYA SURINA** **Petitioner,** **And** **AARON MICHAEL SURINA** **Respondent.**	**No.** 17-3-01817-0 DECLARATION OF: SIRINYA SURINA RE: CR35 PSYCHOLOGICAL EXAMINATION

Sirinya Surina Declares:

1. I am the Petitioner and mother of David and Andrew Surina.
2. Wednesday, February 21, 2018 Exchange. Aaron arrived at the normal time of about 3:30 p.m. to exchange the children. My mother, Benjamas usually takes the children to make the curbside exchange. However, since our youngest son, Andrew, had a bump above his eyebrow from playing a little wildly the day before, I thought I would transfer the children and explain to Aaron what had happened. I was hoping an explanation would stop him from "targeting me" as "easy prey." (Please see court document No. 138 and exhibits.) I thought this explanation of what happened to Andrew while playing would keep him from doing what he's done in the past, i.e. running to the ER or calling CPS to accuse me of abusing our children or talking badly about me to CPS or the police. However, my hopes were

KEITH A. GLANZER, P.S.
2024 W. Northwest Blvd.
Spokane, WA 99205
Telephone: 509-326-4526
Facsimile: 509-324-0405

not realized because later that evening, the police came to my house.

3. Police Contact. I went to my ESL class, but at 7:13 p.m. I was called home by my mother due to the police coming to my house.
4. She had gone to the street to pick up the boys who were both in the car and crying. The temperature was only 21degrees at the time. My mother was standing waiting for Aaron to give her the boys. Aaron didn't get out of the car or say anything until a police car pulled up. Then he got out with Andrew and walked to the police car. He left David crying in his car. Aaron talked with the policeman for a few minutes then he came back and handed Andrew to my mother, who had been standing in the cold for quite a while. At this time, David got out of the car and ran into the house. My mother took Andrew into the house and the policeman followed her into the house. The policeman asked my mother questions. (this has been an ongoing occurrence). My mother doesn't speak English and didn't know what was happening. When I got home I found my oldest son, David, cowering behind the couch, very frightened. He was crying and shaking. The policeman asked me some questions. I told him we were in the process of a divorce and this is not the first time Aaron has called the police. In fact, now when David gets upset with me he talks about me going to jail.
5. I think the policeman had already heard Aaron's accusations. He took my statement and left. Please see a true and correct copy of the Spokane County Sheriff Field case Report attached as Exhibit A. A CPS officer has been to the house on similar occasions to investigate me without finding anything wrong in the way I manage my home or care for our children.
6. Aaron's continual harassment of the children, of me and also of my friends is getting very bad. Last month my friend Carl Wilson was compelled to defend himself of an anti-harassment motion before the District Court. Judge Walker told Aaron that he was harming his children as well as other innocent people and that he should seek therapy for anger control issues and also get mental health advice.

KEITH A. GLANZER, P.S.
2024 W. Northwest Blvd.
Spokane, WA 99205
Telephone: 509-326-4526
Facsimile: 509-324-0405

(Please see Court document No. 138 and Exhibit B, a true and correct copy of the Verbatim Report of Judge walker's oral ruling, especially pages 10 – 13) I believe his symptoms are escalating. This is the most unstable I've seen him since I've known him. He really should seek help. I'm very afraid for my safety and the safety of our children. My friends who have given me support in this on-going and extremely traumatic ordeal are also at risk. He continues to "target me" as "easy prey" regardless of the harm he is doing to David and Andrew.

7. Attorney Fees. I have incurred over $1,500.00 in attorney fees to bring this motion for the protection of our children.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Spokane, Washington, March 5, 2018

Sirinya Surina
Petitioner, Declarant

KEITH A. GLANZER, P.S.
2024 W. Northwest Blvd.
Spokane, WA 99205
Telephone: 509-326-4526
Facsimile: 509-324-0405

SPOKANE POLICE DEPARTMENT
CRAIG N. MEIDL
CHIEF OF POLICE
REDACTION LOG - V12

Report Number 2018-10023865 **Date Received** ☑ 02/23/2018 **Records Specialist** 1155 **Document** A

Doc	Pg	Ref	Material Withheld	Legal / Statutory Basis	Brief Description
A	1	1	Child victims or child witnesses	RCW 7.69A.030(4) (Rights of victims, survivors, and witnesses)	Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians.
A	1	2	Driver's license or Identicard	18 USC 2721 (Prohibition On Release And Use Of Certain Personal Information From State Motor Vehicle Records),RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt),42.56.050 RCW 42.56.230, 42.56.250, 42.56.210(1)	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.
A	1	3	Child victims or child witnesses	RCW 7.69A.030(4) (Rights of victims, survivors, and witnesses)	Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians.
A	1	4	Driver's license or Identicard	18 USC 2721 (Prohibition On Release And Use Of Certain Personal Information From State Motor Vehicle Records),RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt),42.56.050 RCW 42.56.230, 42.56.250, 42.56.210(1)	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.
A	1	5-8	Child victims or child witnesses	RCW 7.69A.030(4) (Rights of victims, survivors, and witnesses)	Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians.
A	2	1-3	Child victims or child witnesses	RCW 7.69A.030(4) (Rights of victims, survivors, and witnesses)	Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians.
A	3	1-24	Child victims or child witnesses	RCW 7.69A.030(4) (Rights of victims, survivors, and witnesses)	Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians.
A	4	1-7	Child victims or child witnesses		

EXHIBIT A

RCW 7.69A.030(4) (Rights of victims, survivors, and witnesses)	Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians.

SPOKANE COUNTY SHERIFF

FIELD CASE REPORT

CASE# 2018-10023865

REPORTING DISTRICT: SV01

EVENT

REPORTED DATE/TIME	OCCURRED INCIDENT TYPE	LOCATION OF OCCURRENCE
02/21/2018 16:25	Abuse	[redacted] A,1,1
OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	
02/21/2018 16:25	02/21/2018 19:34	Spokane Valley, WA

OFFENSES

	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

SUBJECT

JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)				
Adult Person	SURINA, SIRINYA				
DOB / AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
04/24/1985 32	3125 E 44TH AVE SPOKANE, WA 99223				
RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
Asian	Female	5'2	100		Brown
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3		
[redacted] WA A,1,2	Cellular Phone - Person (360)710-4571				

BJECT

JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)				
Adult Complainant	SURINA, AARON MICHAEL				
DOB / AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
04/20/1977 40	[redacted] A,1,3				
RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
White	Male	6'5	268		Blue
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3		
[redacted] / WA A,1,4	Cellular Phone - Person (509)319-9998				

SUBJECT

JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)				
Juvenile Person	[redacted] A,1,5				
DOB / AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
[redacted] 1 A,1,6	[redacted] A,1,7				
RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
[redacted]		A,1,8			
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3		

REPORTING OFFICER	DATE	REVIEWED BY	
591863 Nelson-Felvarg	02/21/2018	Fox, Mark C	02/21/2018

SPOKANE COUNTY SHERIFF

CASE# **2018-10023865**

CASE REPORT

ADDITIONAL SUBJECTS

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				
Juvenile Person		[redacted] A,2,1				
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
		[redacted] A,2,2				
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
[redacted]			A,2,3			
DL NUMBER/STATE		PRIMARY PHONE	PHONE #2		PHONE #3	

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE		PRIMARY PHONE	PHONE #2		PHONE #3	

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE		PRIMARY PHONE	PHONE #2		PHONE #3	

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE		PRIMARY PHONE	PHONE #2		PHONE #3	

SUBJECT

JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				
DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE		PRIMARY PHONE	PHONE #2		PHONE #3	

REPORTING OFFICER	DATE	REVIEWED BY	
591863 Nelson-Felvarg	02/21/2018	Fox, Mark C	02/21/2018

NARRATIVE

A,3,1-24

On 02/21/2018 at approximately 1827 hours, I was dispatched to a possible child abuse at [redacted] Dr. In the Spokane Valley. The complainant, Aaron Surina, advised he picked up his 2 year old son, [redacted] today for visitation and discovered he had a black eye. Aaron. Aaron believed the injury was caused by his ex-wife or her mother.

I contacted Aaron outside the Thierman Scope Office (522 S Thierman Rd). Aaron told me he and his wife, Sirinya, are separated. Aaron gets both his children every other weekend. Aaron said Sirinya has been abusive towards him in the past but he has never hit her. Aaron has moved out of the house. He does not have a stable house right now and he is staying at a couple different places. Aaron said Sirinya used to assault him when she was angry and he believes since he is no longer living at home, Sirinya takes her anger out on [redacted] by abusing him. I asked if Aaron has ever seen Sirinya abuse their children and he told me no. I asked if [redacted] has ever shown signs of abuse in the past and Aaron said he has come home with other bruises in the past. I asked Aaron why he suspected that [redacted] bruises were caused by abuse and he told me Sirinya is not from America and they do things differently where she is from. Aaron said it is possible that [redacted] bruises came from running into something while playing but he wanted to document the injury in case there were signs of abuse in the future. Aaron informed me Child Protective Services have investigated Sirinya in the past but he does not know the results of their investigation.

Aaron opened the back door of his vehicle and I observed [redacted] sitting in a car seat. I inspected [redacted] for injuries and I observed minor swelling and slight redness above his right eye. I took photographs of the injury which I have attached to this report. Aaron's 5 year old son, [redacted] was sleeping in the back seat. I asked Aaron if [redacted] has ever shown signs of abuse. Aaron told me he has had scratches in the past, but he thinks Sirinya takes her anger out on the small one [redacted]. Aaron said [redacted] is not vocal about his brother being abused because [redacted] is afraid of Sirinya. Aaron said the police have come out to take about reports in the past but nobody has been arrested.

Aaron transported both children back to their mother's house because he is court ordered to return both children by 7pm.

After Aaron left the house, I contacted Sirinya's mother at [redacted] Her mother said she did not speak English and was able to communicate to me that Sirinya would be home soon. Sirinya's mother went to another room and I asked [redacted] if he likes living with his mom. He told me he did. I asked [redacted] if he or his brother have ever been hit by his mom and he told me no. I asked [redacted] how [redacted] hurt his eye. [redacted] explained to me that [redacted] wasn't paying attention and hit his head on the edge of the trampoline. I asked [redacted] to show me and he led me into the living room where there is a large indoor trampoline with a safety net around it. The height of the trampoline is slightly shorter than [redacted] [redacted] acted out what happened to

REPORTING OFFICER	DATE	REVIEWED BY	
591863 Nelson-Felvarg	02/21/2018	Fox, Mark C	02/21/2018

NARRATIVE (continuation)

A,4,1-7

[redacted], and he bent down and lightly bumped his eye on the edge of the trampoline to show me that [redacted] ran into the edge of the trampoline. [redacted] said [redacted] bumped his eye on the trampoline yesterday. While his grandma was in the other room, I asked [redacted] if he was afraid of anyone at his mom's house and he told me he wasn't.

I waited at the house for Sirinya to arrive. Once she arrived I asked her how [redacted] hurt his eye. Sirinya told me [redacted] hit his head on the trampoline the day before while he was playing. Sirinya told me Aaron is having mental health issues and he keeps telling the police that she is abusing her children to try and get her in trouble. Sirinya said she has never abused her children.

I do not have probable cause to believe a crime has been committed. I will forward this report to Child Protective Services.

Case settled by report.

I certify under the penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate and that I have entered my authorized user ID and password to authenticate it. Place Signed: Spokane County WA

REPORTING OFFICER	DATE	REVIEWED BY	
591863 Nelson-Felvarg	02/21/2018	Fox, Mark C	02/21/2018

SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE

In re the Matter of: SIRINY SURINA, Petitioner, and AARON SURINA, Respondent.	**NO. 17-3-01817-0** **COPY**

VERBATIM REPORT OF PROCEEDINGS

BE IT REMEMBERED that the attached oral ruling was heard before the Honorable Patti Connolly Walker District Court Judge, County of Spokane on February 1, 2018, in Spokane County District Court under case number 18720043.

SUSAN L. ROBSON, TRANSCRIBER
PO BOX 3100
DEER PARK, WA. 99006
509-280-2577

EXHIBIT B.

DISTRICT COURT OF WASHINGTON
COUNTY OF SPOKANE

In re the Matter of: AARON SURINA, Petitioner, and CARL WILSON, Respondent.	**NO. 18720043** **COPY**

VERBATIM REPORT OF PROCEEDINGS
ORAL RULING

BE IT REMEMBERED that the attached oral ruling was heard before the Honorable Patti Connolly Walker District Court Judge, County of Spokane on February 1, 2018, in Spokane County District Court under case number 18720043.

SUSAN L. ROBSON, TRANSCRIBER
PO BOX 3100
DEER PARK, WA. 99006
509-280-2577

APPEARANCES:

For the Petitioner: MR. AARON SURINA
Pro Se

For the Respondents: MS. LISA BREWER
Attorney at Law
104 South Freya St.
Suite
Spokane, WA. 99202

THE COURT: very little time left for all the other cases, and so I don't want anyone to think that the Court is shortcutting this process because I don't feel it's important. In fact, it's just the opposite that I'm very concerned about the language that I use in this order and wish I additional time to make further findings, both orally and written form. And that is because I want it to be very clear in this case that what the standard is for this Court to make a finding and to grant the order that's requested, the anti-harassment protection order as to Mr. Wilson. And so while I am finding that I do have jurisdiction over this specific issue, and the minor to a very limited extent, which I reference later; and I'm finding that there was personal service opportunity for notice and a hearing and that the petitioner and respondent were both granted the opportunity for a continuance should they wish additional time because of the late filing of information and the detailed information. They both indicated that they didn't need that, and they were prepared to proceed today.

So, rather than go through the individual incident because I think they were well flushed out, I going to indicate that I am unable to find by a preponderance of the evidence, so that's a different standard as in other actions, preponderance of the evidence essentially means if you think of my arms as the scales of justice, it means that

the scales just have to tip a little bit in the petitioner's favor for the Court to grant the order. In a criminal case the state's burden is much greater and the scales have to tip a lot more beyond a reasonable doubt and there are other standards of burdens of proof in different civil proceedings, and I won't go over those. But in any event, the standard of proof here is relatively low as compared to other kinds of proceedings.

But nevertheless, I am unable to find a preponderance of evidence to establish that the respondent engaged in a course of conduct directed at the petitioners. I say petitioners because I mean both the minor children and Mr. Surina, and I'll go over that in a moment in a little bit more detail.

I'm also finding that there's insufficient evidence to support a finding that the respondent's actions were unlawful or designed to cause petitioner substantial emotional distress, or that they would of caused substantial emotional harm or distress to a reasonable person in petitioner's position. I'm also finding that the course of conduct, the allegations of a course of conduct by Mr. Wilson being part of a course of conduct directed at Mr. Surina is also unsupported by the evidence. But rather supports an indication that it's an attempt to help a woman involved in a very contentious family law case that's

ongoing.

The Court is also unable to find by a preponderance of the evidence that the respondent caused physical harm, bodily injury, assault, or fear of infliction of any of these things to the minor child, petitioner, or to Mr. Surina. It should be noted also that I only included this issue in the temporary order to provide temporary protection to the child as the Court did not have confirmation of this issue being addressed in Superior Court. I was very wary of this when it was originally brought before the Court on the Ex Parte docket because as was indicated to include the residence of someone else would rarely ever be granted except for the allegations of ongoing harm to the child; and the Court's inability without doing research of its own, which is really not appropriate. I can look to see if there are other orders on other cases; but we typically don't do any research into other cases except in the presence of the parties. So, if I were to do that I would have both parties here, and I'd say, I'm not going to look at this, I'm now going to look that, if I needed additional information and give everyone an opportunity to object, but I don't do that during Ex Parte proceeding. I don't believe it would be appropriate to do that.

But I do recall during the Ex Parte process that my bailiff was going back and forth as I was requesting

additional information on very specific issues because of my concern that this Court was being used to obtain a sword rather than a shield in a civil protection order and to do something outside of Superior Court that would not get the same result in Superior Court. Because frankly, if Mr. Wilson is a danger to the child this issue needs to be addressed in Superior Court.

MR. SURINA: How?

THE COURT: By---

MR. SURINA: I'm a pro se litigant, I have no money at all.

THE COURT: Right, so you can get legal advice, there are many different organizations, Center For Justice---

MR. SURINA: Lutheran community?

THE COURT: Right. I think my bailiff probably provided with some of that information. If the child is a victim of sexual assault or that's believed, certainly Lutheran provides sexual assault advocates for children and others. And of course, there are other, many other avenues, you are attempting to avail yourself of. At the end of the day these are issues that need to be decided by Superior Court.

MR. SURINA: Okay.

THE COURT: The protection of a child is at issue in a Superior Court matter and the Court is satisfied that Ms.

Surina and the children have representation. Superior Court will appoint will appoint guardian ad litems if there's any need for that. And also, there's also being some examinations that the Court reads -- and I should note for the record, that for six years I prosecuted child sexual assault cases. So, this is not a new issue. I've done sexual assault protection orders for years in this Court and so this is not a new area to this Court. I know how to read doctor records in this regard, and what the examinations typically show and also you know, the best practices in terms of proceeding and having a specialized team address those issues. So, I am very concerned about anything else happening with respect to the child. And we'll leave that to Superior Court to address, that is the proper forum for it to be addressed and I am satisfied that that is occurring. So, I've made a note of that that I didn't have confirmation of this issue being addressed in Superior Court matter. I'm satisfied today that because, frankly, both parties might have been being represented themselves and there might have continued to be a great imbalance of power so that is always a concern for a Court. But I am satisfied that these issues are being resolved in the best interest of the children and fully addressed in Superior Court. I don't need to address the allegations of sexual assault through an anti-harassment order, it wouldn't be appropriate for me to

do that. And that was one of the issues that was queried, I believe, I asked my bailiff to inquire, was this -- were you wanting to file this as an anti-harassment order and not a sexual assault protection order and you indicated that that was correct. So, but you included the allegation of sexual assault.

So, I'm finding that number one, it's not appropriate for the Court to make a final determination on that issue. But I'm also indicating that that said, that the Court is not finding -- is finding that there is not a preponderance of evidence to support any injury to the child by the respondent. In fact, I indicated earlier that I'm very familiar with -- the report that was included here is not what a report would read if there was, in fact, a belief of sexual assault; and certainly, that analysis could be ongoing. But what I read was a report that indicated that the child had, I don't call it (inaudible) some that were likely the cause of eczema, and scratching, and usual childhood issues. So, not herpes, not evidence of sexual assault, nothing of that nature. So, I want to be very clear about that and maybe I'll make that indication in here.

MR. SURINA: I'm not a doctor, so I just know that he did make the statement that it---

THE COURT: So, let me finish here.

MR. SURINA: Okay.

THE COURT: So, what I've added in here is that the Court also finds that the medical reports provided do not support any finding of sexual abuse by the child -- of the child, and the Court is concerned that the child's wellbeing is, as well as, the respondents are harmed by petitioner's action in this matter. I say that because what you may not realize as a pro se litigant is that all of these documents that you filed in our Court, don't get the same protection that they do in Superior Court under a family law matter; meaning they are a matter of public record. And so the -- this is always a concern, and frankly, had the reports been different I would of suggested that they be redacted and before being filed with the Court, the reports that were provided today as part of the declaration, but I did not do that partially because that issue, from my perspective, in this case should be taken off the table and clearly done so. And not just for the respondent's wellbeing, but also for the child's wellbeing. And so, what I want to impress upon you Mr. Surina is that if you truly want to protect your child---

MR. SURINA: I do.

THE COURT: ---you have to go very carefully and not be rash in your decisions. You should get legal advice about -- and also perhaps counseling advice for yourself,

because every step that is taken in case like this can cause harm to a child. These children, from the Court's very brief view, are living in a war zone. And they are -- they cannot be free of the stress that their parents are feeling and they're going back and forth between the two homes, and even if the parents never say a word about the other parent, they still feel that pressure, that fear, that harm that the other parent feels and they feel torn, and it can cause great harm and I assume that's why this child is in therapy. But what I want to impress upon you is that by having legal advice you may not cause the same kind of harm. A good lawyer who is familiar with this process would of said, yeah, I would not file that in District Court; and here's why; because it's going to harm your child. It's going to also perhaps have ramifications in your Superior Court case. So, I say that because you're not required to get legal advice in this court. It's designed for people to help themselves without having to have lawyers. But with these issues that you have ongoing it would be---

MR. SURINA: I had a great lawyer, I just -- you can see that this---

THE COURT: So, hang on. So, there are many lawyers who can help on a sliding fee scale or for free. My suggestion is that before you make any additional allegations of this nature---

MR. SURINA: Yeah.

THE COURT: ---consider the impact on your children and your motivation for doing that. And because as we know, Judges and Commissioners in this area that people feel very desperate when they're losing something, a marriage, a child, and they do things that they may not otherwise do, and they convince themselves that it's a good idea or talk to the wrong people and are convinced by other people. So, what I'm suggesting that you be very careful in the future about any filings; because I'm not granting your petition, I'm also not finding that the respondent engaged in any -- that there's preponderance of the evidence to find that the respondent engaged in any stalking or that type of harassment.

MR. SURINA: Okay. (Inaudible).

THE COURT: Stalking is a very broad term, some of what you indicated could be considered stalking. I am denying the request for a protection order. The temporary order is dismissed. It doesn't affect any other orders that you may you have in other courts. And you have 30 days to appeal the Court's decision.

MR. SURINA: Sure.

THE COURT: You can get the appeal paperwork from the clerk's office downstairs and has to be filed within 30 days. I'm going to give you a copy of this today and get

your signature on it, so no further service is necessary. But I did want to date that additional time to really impress upon you that these processes are solely intended for protection---

MR. SURINA: Absolutely.

THE COURT: ---not for retaliation, not for harm to others and that my concern here today is that for the brief information that I have my concern is that your motives were not in that vein. So, I will encourage also to take a look at some, you know, support for yourself in terms of all of the issues that I addressed and because I'll just say this. I do the domestic violence criminal docket, right, that's what I do every day, all day, in addition to this docket. The way you present is someone with power and control issues; and that is very concerning to a Court.

MR. SURINA: (Inaudible) abused by this process.

THE COURT: Well, so the -- but the way you present means you're either presenting yourself wrong or there are red flags that Courts see, which is another reason why you should really get appropriate support before proceeding in any other matters. So, with that, I will -- do you have any questions?

MR. SURINA: In regards to the three pieces of evidence the DSHS fraud, the 911 call, which is a felony and what about those? I mean those all harassment.

THE COURT: I'm not finding that any of those -- that there was sufficient evidence for the Court to find by a preponderance of the evidence. But I also want to indicate that I'm also not finding there's really any support for those. There's a double prong that the Court has to go through. I have to find that it would cause substantial ahem or distress to you or your son, did actually do that; and, it would to a reasonable person in your position. What I'm finding is a reasonable person in your position would of seen those acts in the way that the Court views them which is a man trying to help a somewhat disenfranchised woman with limited support in the community and limited ability to communicate, at the request of her attorney as an advocate in a sense. And that he stayed on scene as any lawyer would say to a petitioner, a woman in your wife's situation from the limited information that I have, they would say, have someone there with you when it is served and ask that someone to assist if need be by calling law enforcement. So, the fact that law enforcement was called though---

MR. SURINA: He wasn't there though.

THE COURT: ---does not mean anything in terms other than he was attempting to make sure that the order was enforced in a peaceful manner. Also, the other thing about, which you may not know, when law enforcement get this kind of a call, they ask very specific questions. And so it's

not necessarily as you might think that someone is saying, and he's on drugs, and he's got guns, and he's got -- it's in response, yes, I believe that might be the case. Yes, I believe that might be the case. So, I think if you'd inquired further you maybe received legal counsel or assistance from someone knowledgeable in the area where there is a therapist or otherwise, they would of helped you understand that the 911 situation was not as it appeared. If your mother-in-law not able to receive service she won't get them. It's that simple, right. If she is, you know, in the system, all that would need to be done is DSHS would have to do their job and determine whether or not services were appropriate. Just because somebody is involved in an immigration process or hear under a, I forget what it's called---

MR. SURINA: (Inaudible).

THE COURT: ---that doesn't mean they're not necessarily eligible for services and in fact the whole healthcare team that you talked about is not an uncommon situation even for people with means. Children get to have services no matter their parents make and people who are in need of services can be eligible having nothing to do with income levels. So, there are all of these issues that you've raised that I don't have time to go over. We're already into the noon hour and so I've still got multiple

other cases to do.

MR. SURINA: (Inaudible).

THE COURT: So, with that said I'm going to print the order and we'll get your signatures. Yes, Ms. Brewer, on the issue of fees, while I don't want you to do -- my vague recollection the last time I had to address fees in an anti-harassment order is I think that may only be permissible if the order protecting your client is granted and that the Court actually went through that process of making a determination as to whether your client needed to be protected from Mr. Surina. What I will do is -- while I really don't want to leave this open for another day, that is a possibility had we had time to address it today, the Court likely would of heard more on that. With what I'm indicating there Mr. Surina is that if I were to allow Mr. Wilson to make argument before the Court that in fact had we had more time the Court would of granted an order protecting him from you. Then he may be entitled to reasonable attorney fees for that process. So, I'm going to leave that for another day and because we simply don't have time, but my recollection is I'm not able to grant it unless I grant an order to Mr. Wilson as part of the same process. So, I'll leave that for another day and that's another reason why you want to go very carefully on these issues. All right, thank you. (COURT RULING CONCLUDES)

STATE OF WASHINGTON)
)
COUNTY OF STEVENS)

CERTIFICATE

I, SUSAN L. ROBSON, a notary public in and for the State of Washington, do hereby certify:

That I am an authorized transcriptionist;

I received the electronic recording directly from the trial court conducting the hearing;

This transcript is a true and correct record of the proceedings to my best ability, including any changes made by the judicial officer reviewing the transcript;

I am in no way related to or employed by any party in this matter, nor any counsel in the matter; and

I have no financial interest in this litigation.

WITNESS my hand and seal this 11th day of February, 2018 at Clayton, Washington.

NOTARY PUBLIC in and for the State of Washington, residing at Clayton. My commission expires: 09/09/2021